

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC., BROCADE
COMMUNICATIONS SYSTEMS LLC, and
EXTREME NETWORKS, INC.,

Defendants.
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Case No. 3:20-cv-00451-CEA-DCP

DECLARATION OF ANTONY HUTCHINS

I, Antony Hutchins, declare and attest as follows:

1. I am over the age of eighteen, and I am currently a Senior Manager of Sales Operations at Extreme Networks, Inc (“Extreme”). Previously, I held various positions in Extreme’s finance team and until December 2023, I was Manager (Budget Financial) in the finance team. I have personal knowledge of all of the matters to which I attest herein and, if called as a witness, could and would testify competently to such facts under oath.

2. In connection with this declaration, I have reviewed sixteen spreadsheets (“Financial Spreadsheets”) that are identified with the following Bates numbers: EXTREME-00722215; EXTREME-00722446*; EXTREME-00722447*; EXTREME-00722448*; EXTREME-00722450; EXTREME-00722451; EXTREME-00871502; EXTREME-00871503; EXTREME-01290740*; EXTREME-01290741*; EXTREME-01290742; EXTREME-01290743; EXTREME-01290744; EXTREME-01407577; EXTREME-01407578; and EXTREME-01407580.

3. I have been involved in collection of financial information that Extreme has produced in this litigation. I have been directly involved in collection of financial information reflected in eleven of the sixteen spreadsheets and I have personal knowledge of the information that is reflected in the remaining five Financial Spreadsheets. *See* Financial Spreadsheets marked with an Asterix.

4. In my current and previous roles at Extreme, I regularly handle and use financial information, such as selling price, list price, standard costs, gross profit margins, and customer-level sales information, including quantities ordered and discounts provided, of the type that is reflected in the Financial Spreadsheets ("Protected Financial Information," or "PFI").

5. I am familiar with how Extreme maintains its PFI, including the specific information that is reflected in the Financial Spreadsheets.

6. The PFI contained in Extreme's Financial Spreadsheets includes non-public financial and customer information about Extreme's wired switching business spanning more than twenty years.

7. Extreme maintains its PFI in the Oracle System, which is an enterprise resource planning software system provided by Oracle Corp.

8. PFI is kept within the strictest confidence by Extreme. PFI is internal to Extreme and is not disclosed outside of Extreme. Access to PFI, including PFI maintained within the Oracle System, is strictly limited to employees of the finance department that need the information to carry out their job responsibilities within Extreme. Only a handful of employees outside the finance team that have reporting obligations to Extreme's executive team have access to PFI.

9. Measures to protect PFI include maintaining the information on a need-to-know basis within the company, requiring employees and other parties like contractors or advisors that do have access to PFI to enter into confidentiality and non-disclosure agreements prohibiting its disclosure or use for purposes other than those expressly permitted, and implementing computer security protocols like password protections and access logs to prevent unauthorized access or use.

10. Specifically, access to the Oracle System, where the PFI reflected in the Financial Spreadsheets resides, is password-protected and logged to prevent unauthorized access or use of PFI within Extreme. Access to the PFI in the Oracle System is only provided to those employees of the finance team that need access to perform their duties at Extreme.

11. Although Extreme, as a public company, is required to and does disclose certain financial information in regular filings with the U.S. Securities and Exchange Commission ("SEC"), Extreme never discloses PFI or any financial information in equivalent granular detail. Accordingly, it would be virtually impossible for third parties to "reverse-engineer" Extreme's SEC filings to derive PFI, and, because of the protections described above, difficult or impossible for third parties to acquire or duplicate PFI otherwise.

12. Extreme takes the strictest measures to maintain confidentiality of its PFI because the information is highly valuable to Extreme's business. If Extreme's PFI was available to third parties, it could cause significant competitive and other harms to Extreme.

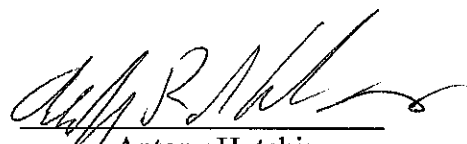
13. As an example, the PFI in the Financial Spreadsheets would provide a third-party insight into Extreme's largest customer accounts, by volume of sales and by profit margins, and Extreme's highest selling and most profitable products. None of this information is publicly available, including in Extreme's SEC filings.

14. Extreme's competitors could use this information about Extreme's customers and products to compete more effectively against Extreme by focusing their efforts on those customers and products.

15. Individuals with access to Extreme's PFI could glean insights into Extreme's financial condition above and beyond that disclosed in its SEC filings and, conceivably, into its future performance and the performance of its suppliers and customers. This is particularly true for the Financial Spreadsheets because they contain highly granular financial information about Extreme's business over a lengthy time period of more than 20 years. As such, individuals could use PFI to make investment decisions, with the PFI giving them extra insight not available to the general public. This would give that individual an advantage over other investors, and I understand that trading while in possession of such material non-public information may constitute a violation of the federal securities laws.

16. Individuals with access to Extreme's PFI could also glean insights into the business of Extreme's customers and distributors based on the quantities of products ordered, types of products ordered, and discounts that they received, which could similarly be leveraged to make investment decisions or to compete with those third parties. If, for example, PFI revealed that a major customer had substantially ramped down its purchases in the current quarter, an individual might conclude that it had done so because it was planning on shuttering a particular business line. Such information combined with other information or analysis might therefore indicate to that individual that said customer's financial condition was poor, ahead of that customer publicly disclosing such information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3rd day of April 2024 at Morrisville, NC.


Antony Hutchins